



*United States–Spain Treaties in Force,
January 1, 2009*

**Agreement relating to offshore procurement in Spain, with
memorandum of understanding and standard attached.
Amendment**

**October 29, 1958, Date-Signed
November 11, 1958, Date-In-Force.**

TIAS 4196



*United States–Spain Treaties in Force,
January 1, 2009*

DEFENSE: OFFSHORE PROCUREMENT PROGRAM

October 29, 1958, Date-Signed
November 11, 1958, Date-In-Force

STATUS:

Agreement amending the agreement of July 30, 1954, as amended.
Effectuated by exchange of notes
Dated at Madrid October 29 and November 11, 1958;
Entered into force November 11, 1958.

TEXT:

The American Embassy to the Spanish Ministry of Foreign Affairs

NOTE VERBALE

No. 476

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the Memorandum of Understanding of July 30, 1954, between the Governments of the United States and Spain relative to Offshore Procurement. (1) Pursuant to this Embassy's Note No. 700 of December 21, 1956, and the Ministry's Note Verbale No. 1126 of December 27, 1956, (2) the effective date for refund adjustments, under the "No-Profits" provisions of the above-mentioned Memorandum of Understanding, was extended from December 31, 1956 to December 31, 1957.

NOTES

(1) TIAS 3094; 5 UST, pt. 3, p. 2328.

(2) TIAS 3721; 7 UST 3460.

Inasmuch as December 31, 1957, has passed and several Offshore Procurement contracts remain to be completed in Spain, it is the desire of the Government of the United States to effect a further amendment of the provision relating to contract review. Specifically, it is suggested that the amendment provide that refund adjustments shall be accomplished at the earliest practicable date and that annual reviews of completed contracts shall be effected by the end of the year following the calendar year in which the contracts are completed. Thus, a review under the "No-Profits" provision of the Memorandum of Understanding would take place each year with respect to all contracts completed in the previous year.



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It is proposed that this present Note Verbale and an affirmative reply from the Ministry of Foreign Affairs constitute an agreement amending the date for refund adjustments under Article 17 of the above-mentioned Memorandum of Understanding.

The Embassy takes this occasion to renew to the Ministry the assurances of its highest consideration.

The Spanish Ministry of Foreign Affairs to the American Embassy

MINISTERIO DE ASUNTOS EXTERIORES

NUM. 904

NOTA VERBAL

El Ministerio de Asuntos Exteriores saluda atentamente a la Embajada de los Estados Unidos de América y tiene la honra de acusar recibo de su Nota Verbal numero 476, de 29 de Octubre próximo pasado, que traducida dice textualmente:

"La Embajada de los Estados Unidos de América saluda atentamente al Ministerio de Asuntos Exteriores y tiene la honra de referirse al Memorandum Básico del 30 de Julio de 1954, entre los Gobiernos de los Estados Unidos y España, relativo a suministros "offshore". Con arreglo a la Nota de esta Embajada numero 700, del 21 de Diciembre de 1956, y la Nota Verbal del Ministerio numero 1.126, de 27 de Diciembre de 1956, la fecha efectiva para los reajustes de devoluciones, según las cláusulas de "no lucro" del mencionado Memorandum Básico, fue prorrogada desde el 31 de Diciembre de 1956 al 31 de Diciembre de 1957.

"Considerando que la fecha del 31 de Diciembre de 1957 ha vencido y que varios contratos de adquisiciones "offshore" han de ser aun concluidos en España, es deseo del Gobierno de los Estados Unidos llevar a cabo una nueva enmienda de la cláusula que se relaciona con la revisión de contratos. Concretamente, se sugiere que la enmienda señale que los reajustes de devoluciones se lleven a cabo lo mas pronto posible y que antes del final del año que sigue al año natural en el que los contratos se concluyan, se efectúen revisiones anuales de los mismos. Por consiguiente, una revisión con arreglo a la cláusula de "no lucro" del Memorandum Básico tendría lugar cada año con respecto a todos los contratos llevados a cabo en el año anterior.

"Se propone que esta Nota Verbal y una contestación afirmativa del Ministerio de Asuntos Exteriores constituyan un acuerdo que enmiende la fecha para reajustes de devoluciones con arreglo al Articulo 17 del mencionado Memorandum Básico.



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"La Embajada aprovecha esta oportunidad para renovar al Ministerio las seguridades de su mas alta consideración."

Al comunicar a esa Embajada la conformidad del Gobierno español sobre lo que precede, el Ministerio de Asuntos Exteriores aprovecha esta oportunidad para reiterarle las seguridades de su mas alta consideración.

Translation

MINISTRY OF FOREIGN AFFAIRS

No. 904

NOTE VERBALE

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to acknowledge receipt of its Note Verbale No. 476 of October 29, 1958, which in translation reads as follows:

[For the English language text of the note, see ante, p. 344.]

In communicating to the Embassy of the United States of America the agreement of the Spanish Government to the foregoing, the Ministry of Foreign Affairs avails itself of the opportunity to renew to the Embassy the assurances of its highest consideration.

SIGNATORIES:

EMBASSY OF THE UNITED STATES OF AMERICA

Madrid, October 29, 1958

MADRID, 11 de Noviembre de 1958.

A LA EMBAJADA DE LOS ESTADOS UNIDOS DE AMERICA EN MADRID.-

[Initialed]

MADRID, November 11, 1958.

EMBASSY OF THE UNITED STATES OF AMERICA, Madrid.